



October, 23, 2013

National Response Team Chairman
Ms. Dana Tulis
U.S. EPA Office of Emergency Management
Ariel Rios Building (5104A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-8600

Dear Ms. Tulis,

As you may or may not be aware, Steven Pedigo and the Lawrence Anthony Earth Organization (LAEO) have been requesting that Oil Spill Eater II (OSE II) be preapproved/preauthorized by EPA and the USCG for use in water for approximately 15 years. EPA has done everything it could to avoid explaining why it is continuing to sole source COREXIT—which is made by Nalco, a company owned by EXXON and other various oil and gas companies. Its use allows oil companies to break the law, spill, damage the environment and fisheries and then profit by cleaning up their own mess. The public would be outraged if they knew what was really going on.

I am not sure if you have been tracking the emails and my correspondence with the Alaska RRT Co Chairs, but they bring to the forefront the same issue that Mark Everett (ARRT Co Chair) told me you acted on. He indicated that you assumed control over our request at the national, NRT level, to handle our formal request for the use of a non-toxic proven alternative to chemical dispersants.

The matter is simple to resolve in our minds: first EPA and the USCG have engaged in illegal sole source procurement for decades. Your denial of the use of OSE II when requested by OSCs, and sole sourcing of COREXIT, is based on incorrect science that has been disseminated throughout the NRT system. Your unit needs to be opened up to free and open competition and the erroneous science being put out broadly by your staff and internal documents must be corrected. Take into consideration that many states and citizens OPPOSE the use of any dispersant, including COREXIT, based on not only accurate scientific data but also the horrific effects they have personally seen on their constituents, family members, and/or friends.

LAEO and the issue we are focused upon need to be separated from the complex matter involving inclusion of Tribal Governments in Alaska in the clash over dispersant use in Alaskan waters and the Arctic. That is a separate subject; however, it is indicative of the opposition to what you are doing by the peoples living there, as well as the communications problems inherent within the RRT system. It also highlights the EPA's and the USCG's lack of response to repeated public inquiries on this issue.

LAEO is demanding under FOIA, 5 USC 552 that you provide comprehensive documentation of the scientific principles, laws and regulations, documents and decisions on which your continued use of COREXIT/dispersants and denial of our requested non-toxic alternative--OSE II is justified.

We further are requesting an actual response to LAEO's formal request to Craig Matthiessen and yourself that asks for a correction to be made in the NRT Bioremediation Fact Sheet which is out of date by 13 years. That inaccurate fact sheet has been used to deny every OSC and RP request to use OSE II on US waters repeatedly over many years despite ample contrary science provided. To reiterate that request; I have re-attached the Email file and its attachments. Additionally, I am including LAEO's formal request sent to the Alaska RRT in May of 2013 (with several hundred pages of documentation supporting the request which can be found at: <http://protectmarinelifenow.org/alaska-alliance>

In summary, what LAEO cares about is cleaning up the waters. We want a final decision that either:

- a. Permits the use of OSE II to help clean up the Gulf of Mexico and countless other extant spills on U.S. navigable waters which still need to be cleaned up, or
- b. If not approved to use OSE II as a First Response methodology for U.S. Navigable Waters (OSE II is already used throughout the US on land based/soil and other hydrocarbon based spills, used by the US Military for years to successfully and economically remove hydrocarbon based spills from the environment in accordance with the Clean Water Act, etc.) that you provide us with an EXACT listing of reasons detailing why you will not permit OSE II to be used on U.S. waters. Our review of the history of this NCP Listed product indicates years of thorough and successful removal of hydrocarbon based spills from the environment, including use on ocean spills in other countries with ample EPA testing and science that supports its use for cleaning up the mess left behind in the Gulf of Mexico, Alaska, Enbridge etc. We want all documentation, correspondence that relates to your decision not to permit its use on U.S. waters, why such a decision was made and who exactly made these decisions. Your response must also include what *science* a 'no' decision is based on and any other reasoning.

In other words, we want a final decision that is a "Yes" or "No" with exact reasons given.

As you know, the OSEI Corporation CEO has been requesting a decision on the use of OSE II in U.S. navigable waters for more than 15 years and he has sent recent requests

to all the RRTs, which, I presume, prompted you to elevate the Change Oil Spill Response Global Alliance's request to the Alaskan RRT to your office for decision.

Please be very clear: LAEO just wants a spill response that works, removes oil from the environment, does not harm people, fisheries, wildlife or compromise the chemical and biological integrity of U.S. waters — which is the standard mandated by the Clean Water Act, 33 USC 1251 et.seq. LAEO has researched and vetted all NCP listed products and found one that satisfies all our criteria.

There is strong evidence that certain EPA employees have been collaborating with BP, Exxon and other major oil companies to give preferential treatment to chemical dispersants, namely COREXIT products. We also know that there is a major push at the Federal Government level to gain preauthorization and/or pre approval for chemical dispersant use on all U.S. coastlines. We do not know why this is going on, nor do we care. What we do care about is CLEANING UP THE GULF OF MEXICO SPILL USING OSE II and are asking that NRT personnel order all RRTs to cease and desist the illegal sole source procurement practices they are engaged in, or, the many stakeholders in this are prepared go to federal district court, expose the collaboration with the oil companies to the media and public, and we will seek damages from EPA and the USCG as well as seek individual personal liability from all agency personnel involved in perpetuating the use of oil company collaborated false science blocking the use of OSE II and in favor of destructive chemicals.

We will await your response.

Sincerely Yours,

Diane

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